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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,740	05/04/2001	Paolo M.B. Tiramani	0103100027143	9980

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Ansel M. Schwartz
Attorney at Law
One Sterling Plaza
201 N. Craig Street Suite 304
Pittsburgh, PA 15213

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,740

Applicant(s)

TIRAMANI ET AL.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 23, 2004 has been entered.

2. Claims 34-45 are pending.

Claim Rejections - 35 USC § 102

3. The pertinent portions of 35 USC 102 may be found in a previous office action.

4. Claims 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (US 5,983,614, filed 12/1997). Hancock et al. teach a caster for a frame portion (30) including a caster frame (50) attached to the portion, a wheel (51) rotatably mounted for rotation about an axis perpendicular to a swivel axis, the wheel and caster being capable of free swiveling (figure 2) when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; or being locked in a predetermined swivel orientation (figure 1), when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface, the wheel assembly being movable in a longitudinal direction (e.g., of the frame or vehicle) to the breadth claimed, from positions where it is capable of swiveling to other positions where it is not capable of swiveling; the frame including a guiding means (20) having a V-shape, which engages with a pin (20) on a rod (54), the wheel turnable about the axis of the rod, the pin operating essentially as a cam follower, the frame including a biasing means (70) for biasing the wheel and caster frame into the desired orientation, either when the wheel is bearing against a surface, or when it is not; the frame including a swivel (32) and the wheel mounted in a frame portion (52) which pivots. The rod taught by Hancock connects the wheel to the vehicle frame, such that longitudinal motion of the frame causes longitudinal motion of the wheel (i.e., in the same direction), the longitudinal vehicle frame motion being transferred through the rod, to the wheel.

Claim Rejections - 35 USC § 103

5. The pertinent portions of 35 USC 103 may be found in a previous office action.

6. Claims 34-39, 44 and 45 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. (US 5,983,614). Hancock et al. teach a caster for a frame portion (30) including a caster frame (50) attached to the portion, a wheel (51) rotatably mounted for rotation about an axis perpendicular to a swivel axis, the wheel and caster being capable of free swiveling (figure 2) when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; or being locked in a predetermined swivel orientation (figure 1), when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; the wheel assembly being movable in a longitudinal direction (e.g., of the frame or vehicle) to the breadth claimed, from positions where it is capable of swiveling to other positions where it is not capable of swiveling; the frame including a guiding means (20) having a V-shape, which engages with a pin (20) on a rod (54), the wheel turnable about the axis of the rod, the pin operating essentially as a cam follower, the frame including a biasing means (70) for biasing the wheel and caster frame into the desired orientation, either when the wheel is bearing against a surface, or when it is not; the frame including a swivel (32) and the wheel mounted in a frame portion (52) which pivots. The rod taught by Hancock connects the wheel to the vehicle frame, such that longitudinal motion of the frame causes longitudinal motion of the wheel (i.e., in the same direction), the longitudinal vehicle frame motion being transferred through the rod, to the wheel. The reference of Hancock et al. fails to specifically teach the frame portion as being retractable. It is, however very well known to construct pivotable frame portions having ground engaging wheels, such that the frame portions may pivot to a non-use position, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the caster assembly taught by Hancock et al. with a retractable frame portion for the purpose of allowing the frame to be easily stored.

Response to Comments

7. Applicant's comments, filed with the Request of July 12, 2004 have been considered. As regards the longitudinal motion, please note that to the breadth these

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limitations are currently recited, the Hancock reference meets such limitations: the wheel may move about a longitudinal axis of the vehicle frame and in view of the connection of the vehicle frame to the wheel being through the rod (54), such longitudinal motion of the vehicle frame would be communicated to the wheel through the rod. Note also that the wheel may turn about an axis defined by the rod.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326
After Final Amendments: 703-872-9327
Customer Service Communications: 703-872-9325

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. VANAMAN
Primary Examiner
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11/22/04